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John Best photo

DWR fish biologists Kelly Nelson (left) and Doug Sakaguchi perform a gill netting survey at Strawberry Reservoir.

# Wildlife groups oppose grazing near reservoir

By JOHN BEST  
Herald Correspondent

their opinion of the disastrous effects of grazing in the Strawberry

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## Just checking

Bruce Giunta of the Division of Wildlife Resources cuts into a deer's jaw to

gather facts on the condition of the herds this fall. Hunters brought deer to

the checking station at Thistle in Spanish Fork Canyon over the weekend.

10-22-90



# Fish disease at private hatchery worries officials

■ **Wayne County:** Organism is harmless to human health but could damage fisheries' incomes.

LOA, Wayne County (AP) — A persistent fish disease that wildlife officials fear could spread to hatchery-bred and wild trout has been found for the first time in Utah at a private fish hatchery in Wayne County.

Bruce Schmidt, chief of fisheries for the Utah Division of Wildlife Resources, said tests have verified an organism that causes "whirling disease" in three of six hatchery stations managed by the Road Creek Ranch.

Schmidt said the organism does not affect the table quality of the fish and is harmless to humans and animals.

DWR fish pathologist Ron Goede said whirling disease is caused by an organism that passes through a number of stages in streams, lakes or ponds. It affects primarily young fish by deforming the cartilage in the skull, effecting the fish's equilibrium and causing it to swim in a whirling fashion.

It does not necessarily kill fish outright but weakens them and makes them more likely to die from adverse conditions or other diseases.

"It's been a real frustration for us," said

Dane Leavitt, part owner of the Road Creek Ranch and a son of state Sen. Dixie Leavitt, R-Cedar City, who is also a partner in the family-owned business.

"We haven't done anything negligent; we've always tried to exercise careful husbandry. We don't know where it's come from," he said.

Dane Leavitt said the whirling disease organism was found in a pond owned by his ranch and in another ranch's ponds that contain fish from Road Creek.

Leavitt said his company employs about a dozen people and ships about 200,000 pounds of trout fillets annually to stores and restaurants in Utah, California, Arizona and Colorado.

The DWR will sample trout in the Fremont River drainage this week to determine if the disease has spread outside the hatchery, Schmidt said. Preliminary tests in a number of nearby state and private hatcheries thus far have proven negative.

State and private hatcheries in the Fremont River area were asked not to transport live fish until tests were completed, Schmidt said. The ban was lifted Friday morning for state hatcheries at Loa and Bicknell.

The Road Creek Ranch hatchery still is not allowed to transport live fish but remains in

operation. It continues to ship processed fillets because they cannot spread the disease, Schmidt said.

"The implications are kind of scary," he said. "We don't want to spread anything around the state, so we're going to have to watch it very carefully."

"The bad news is, we don't want to stock it on top of wild fish where it could become established," Schmidt said. "Also, we and many other states prohibit infected fish from coming in, so our private growers in the state could lose markets in the U.S. and Canada."

Esther Williams, secretary of the Utah Aquaculture Association, said the disease could have a devastating affect on Utah commercial fish growers if it prevents them from shipping their products out of state.

"We're hoping it won't create a problem. It's real spooky. The regulations on import and export could be devastating, and 90 per cent of our business goes out of state," she said.

Williams, part-owner of the Trophy Fish Ranch in Richfield, said ridding a hatchery of the disease is time-consuming and costly.

"Standard procedure is to clean everything, and drain the ponds for two years," Williams said. "That's two years you're out of business, plus another year you lose while the fish grow, so you're out for at least three years."



# Fish-farm owners say they are scapegoats for wildlife division

By Jerry Spangler  
and Maureen Evans  
Deseret News staff writers

LOA, Wayne County — The owners of one of the state's largest private fish farms say they are being singled out as scapegoats for an outbreak of whirling disease — an illness that threatens to cripple Utah's recreational and commercial fisheries.

And they say Division of Wildlife Resources officials are now conspiring to put them out of business, after encouraging the company to build new hatcheries.

"I'm angry and I'm shocked," said Dane Leavitt, co-owner of Road Creek Ranch in Loa, Wayne County. "Why have they led us on? They helped us select new sites and knowingly allowed us to spend \$70,000 constructing new fish runs when their intent was to shut us down."

Road Creek Ranch, one of the largest employers in Wayne County, cut production by two-thirds after whirling disease was discovered in April at a neighboring hatchery that had contracted to raise fish for the Leavitts.

Whirling disease is a spore-transmitted ailment that causes trout to lose their equilibrium and swim endlessly in circles. It can affect their spawning behavior, destroy their immune system and cause disfigurement. It only affects trout and salmon.

The Leavitts, who say they have cooperated fully with the DWR in trying to eradicate the disease, met last week with DWR Chief Tim Provan and other officials of the Department of Natural Resources

when they were informed the DWR would protest new water applications needed to operate three new fish hatcheries, one in Loa and two in Antimony, Garfield County. The new hatcheries were intended to replace production when the Wayne County hatcheries were closed because of whirling disease.

Officials also told the Leavitts the DWR would seek to revoke certificates of registration to allow the company to raise fish in existing facilities in Wayne and Sevier Counties.

Bruce Schmidt, chief of fisheries for the DWR, said the Leavitts only see one side of the issue. He said by protesting applications for water rights, they have the industry's best interests in mind.

"It's not appropriate to let anybody in the middle of this ... before we resolve the core issues of this problem," Schmidt said. "All we've asked for is a little more time."

Just how and when the disease entered Utah is the subject of an ongoing DWR investigation by law-enforcement agencies. At the heart of the investigation is Road Creek Ranch, owned by Sen. Dixie Leavitt, R-Cedar City, and his sons Dane and Mark Leavitt. The company produces trout fillets for wholesale and retail outlets.

"We have given full disclosure on fish movements which involved other growers," Dane Leavitt said. "But they only talk about us. We invited them to review our checking accounts to see that we didn't buy any (infected) fish and they didn't return our calls and they have never asked for our contracts with other growers."

The Leavitts say their fish were infected following an improper transfer of fish from Brown Trout Farms, a neighboring facility owned by Nadine Brown.

"We didn't bring the disease into Utah and we have the records to prove that," Dane Leavitt said. "All of our fish were certified clean. We are as much victims as anyone."

The entire whirling disease issue has been swirling in controversy since its discovery in the United States in 1967. Private operators say the whirling disease is not fatal and does not affect the quality of meat. But virtually all state regulators have listed whirling disease among eight diseases that prevent the transport across state lines.

Most states on Utah's borders have the disease and manage for it. But Utah was free of the disease until it was noted at the Brown's facility in April.

In an attempt to eradicate the disease before it devastated wild fisheries throughout the state, the Division of Wildlife Resources began poisoning portions of the Fremont River and two tributaries in early August, destroying thousands of wild fish in Wayne County. Although the division thought the disease was contained, it was recently detected in another of Leavitts' hatcheries in Sevier County near Koosharem.

The Leavitts accuse DWR of using whirling disease to discredit the private fish industry, which the Leavitts say produces trout much more cost-effectively than do DWR hatcheries. And the fact that DWR, which raises fish at public expense, is charged with regulat-

ing private fish growers, is a blatant conflict of interest, they said.

"We're not in competition," argued Schmidt. "We are enhancing common business in the state."

The majority of fish growers in Utah base their business on selling live fish mostly out of state. Because laws prevent fish with whirl-

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ing disease from crossing these jurisdictions, Schmidt said, "These businesses will immediately lose their market and we don't want to see that happen."

The Leavitts, on the other hand, primarily market dressed fish, Schmidt said, and don't have the same requirements for marketing.

Schmidt said he hasn't heard complaints from other fish growers concerning the whirling disease investigation and that most are just concerned about their out-of-state sales being curtailed because of its presence in the state.

"It's not all the growers against the state," Schmidt said.



# Wasatch County poaching arrests divide residents of Heber City

28 Oct 1991  
HEBER CITY (AP) — The Wasatch County Chamber of Commerce looked like a funeral home last week.

Flowers crowded counter tops. Friends hugged Executive Secretary Gaye McPhie, who struggled to hold back tears while thanking people for stopping by, and sending food to her home.

But the outpouring of support didn't stem from a death in the family. It was the result of McPhie's husband and sons being arrested — on television — for suspicion of hunting four days before

the deer season opened Oct. 19.

The McPhies were among 11 Heber City residents arrested in a Division of Wildlife Resources undercover sting operation.

Conservation officers said they used dogs to locate deer killed and cleaned before the season opened. Officers marked the deer with invisible dye, and arrested the hunters after the animals were retrieved from the brush.

No formal charges have been filed.

The arrests were the main topic of conversation in Heber City

cafes, gas stations, barber shops and schools.

"Even people we've known all of our lives are crucifying us," said Mrs. McPhie, the county's Democratic Party chairwoman and Heber City's citizen volunteer of the year in 1987.

She said her 14-year-old daughter's geography teacher at Wasatch Middle School used the incident to teach a civics lesson Tuesday, prompting the girl to walk out of class. The McPhies' children in elementary school have come home in tears.

A local letter carrier has reportedly been asking people on his

route what's on the menu at the community's deer hunt breakfast. The answer: "poached deer and eggs."

The experiences have left Mrs. McPhie bitter. She maintains the Division of Wildlife Resources' is bluffing about the evidence it obtained.

Game officers contend they caught the poachers red-handed.

The case — and a highly publicized poaching-sting operation in Iron County in August — highlights the difficulty of enforcing wildlife violations in areas where citizens have long condoned illegal behavior.

County attorneys are often reluctant to prosecute neighbors who helped them get elected, particularly when most in the community view the violations as insignificant.

But things are getting better, said Craig Miya, assistant chief of law enforcement for the Division of Wildlife Resources.

Miya said some prosecutors in small communities identify conflicts early and ask the Utah attorney general's office to prosecute wildlife cases.

Wasatch County Attorney Steve Hansen said he prosecutes hundreds of violations a year.